Criminal Revision No. 1317 of 2006

Present : Mr. S.C.Bhardwaj, Advocate for the petitioner
Mr. G.S.Bhandari, DAG Punjab for respondent No.1
Mr. G.S.Bhatia, Advocate for respondents No.2 and 3

This is a petition against order dated 19.4.2006 passed by Judicial Magistrate Ist Class, Jalandhar whereby the charges were directed to be framed for the offence under Sections 406/420/120-B Indian Penal Code against the present petitioner and one Sandeep Kumar now respondent No.2, who had been discharged.

Counsel for the petitioner argues that there was no ground to discharge Sandeep Kumar and no reason has been given by the trial Court in discharging respondent No.2 Sandeep Kumar.

A copy of matriculation certificate has been produced showing that date of birth of Sandeep Kumar is 8.9.1978.

From the perusal of FIR, it would come out that it was for the incident having taken place about 12 years before making the report and getting the case registered which was registered in the year 2003.The other accused in this case who has been charged happens to be Gulzari Lal, father of Sandeep Kumar.

In the facts and circumstances of the case where the report was lodged after about 12 years of the occurrence and Sandeep Kumar was just 12-13 years only at the time of alleged occurrence, I am of the view that the trial Courts were right in discharging Sandeep Kumar.

I find no good ground to interfere at this stage.

Dismissed.

November 17, 2006 **(M.M.Aggarwal)**
'ravinder' **Judge**